



New Mexico Commission for Deaf & Hard of Hearing

Toll-Free: 1.800.489.8536 | Albuquerque 505.383.6530

Website: www.cdhh.nm.gov

Signed Language Interpreter Licensure: History and Purpose

Contact Person:

Lisa Dignan

Lisa.Dignan@cdhh.nm.gov

505.383.6530

Purpose of Interpreter Licensure

Hundreds of professions require practitioners to be licensed in order to protect consumers.

Purposes of interpreter licensure include:

- Establish minimum level of quality and ethics for interpreters.
- Protect consumers from unqualified or unethical interpreters.
- Create accountability for pre-certified interpreters or those who are not members of the Registry of Interpreters for the Deaf (RID) and therefore not under their jurisdiction.
- Establish a complaint process that is locally based and accessible.

Brief History

A group of Deaf consumers and interpreters started the process in 1997, concerned about the fact that many New Mexico interpreters were not properly trained, not certified, and many not even members of RID, making it impossible to file a complaint against them for poor quality services or ethical violations.

- Town Hall meetings were held throughout the state starting in 2002.
- The Signed Language Interpreting Practices Act was passed by the Legislature in 2007.
- The original board was appointed by Governor Richardson and began work in 2008.
- Licenses began being issued in July 2009.

Issuing Agency

Licenses are issued by the Signed Language Interpreting Practice Board (SLIPB) under the Regulation and Licensing Department (RLD). RLD is responsible for licensure of more than 200 professions in the state of New Mexico. The statute, rules, and other information can be found at the SLIPB website: www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/signed-language-interpreting-practices. A searchable database of licensed interpreters can be found in the Verify a License section of the RLD website: <https://nmrldlpi.my.site.com/bcd/s/rld-public-search>.

Sunset Repealed

The Signed Language Interpreting Practice Board (SLIPB) originally had a requirement for a periodic sunset review by the New Mexico Legislature. In 2013, the sunset review was removed due to the passage of SB 163, making the SLIPB a permanent board. No further sunset reviews will be required, and licensure requirements are permanent.

General Requirements

New Mexico requires all signed language interpreters to be licensed. Practicing without a license is a misdemeanor punishable by up to 364 days in jail and/or up to a \$1000 fine.

Interpreting is defined as any form of facilitating communication in a visual form, regardless of the individual's job title or position description.

Licenses

There are three types of licenses issued by the SLIPB:

- Community – interpreters who hold nationally-recognized certification from the Registry of Interpreters for the Deaf (RID) or some certifications from the Board of Evaluation of Interpreters (BEI) in Texas. These interpreters may work in almost any setting (court work requires further credentialing).
- Educational – for interpreters who hold the Ed: K-12 credential from RID or who meet the requirements for the Ed: K-12. This license is valid only for K-12 interpreting, not for community or post-secondary settings.
- Provisional – for interpreters who have completed interpreter training and are working toward certification. This license may be held for up to five years and qualifies the interpreter to work in appropriate educational and community settings.

Standards and Rationale: Community License

- Must hold a certification currently recognized by RID or one of the following certifications from BEI: BEI Advanced, BEI Master, BEI IV, BEI V, BEI Level IV Intermediary, or BEI Level V Intermediary.
 - RID and BEI are the only nationally recognized certifying bodies for signed language interpreters.
- Both require passing a written test and a performance test.
- Must meet RID's educational requirements – this applies to RID and BEI certified interpreters.
 - BA degree in any field for both Deaf and hearing interpreters.
 - Or satisfy RID's alternative pathway: <https://rid.org/certification/alternative-pathway-program/>
- Must comply with their certifying body's Continuing Education Requirements:
 - RID certified interpreters must satisfy RID's Certification Maintenance Program (CMP) requirements: earn eight Continuing Education Units (CEUs) in a four-year cycle (80 contact hours)
 - BEI certified interpreters must submit BEI transcripts showing four CEUs (40 contact hours) at each biennial renewal.

Standards and Rationale: Educational License

- Must hold the Ed: K-12 credential from RID or other RID certification, or meet the requirements for the Ed:K-12.
 - The Ed:K-12 is the only national certification specific to K-12 interpreting.
 - Must pass the Educational Interpreter Performance Assessment (EIPA) Written Test.
 - Must score at least a 4.0 on the EIPA Performance Test (test is a 5-point scale).
 - Must meet RID's educational requirements (see above).
 - The Ed:K-12 is no longer available, so interpreters meeting the requirements for the Ed:K-12 and with a current Associate membership in RID are qualified for the license.
- RID determined that a 4.0 on the EIPA is the minimum standard for interpreting in a K-12 setting.
- The following describes the skills of an interpreter with a level of 4.0:
Level 4: Advanced Intermediate

Demonstrates broad use of vocabulary with sign production that is generally correct. Demonstrates good strategies for conveying information when a specific sign is not in her/his vocabulary. Grammatical constructions are generally clear and consistent, but complex information may still pose occasional problems. Prosody is good, with appropriate facial expression most of the time. May still have difficulty with the use of facial expression in complex sentences and adverbial non-manual markers. Fluency may deteriorate when rate or complexity of communication increases. Uses space consistently most of the time, but complex constructions or extended use of discourse cohesion may still pose problems. Comprehension of most signed messages at a normal rate is good but translation may lack some complexity of the original message. An individual at this level would be able to convey much of the classroom content but may have difficulty with complex topics or rapid turn taking.

- Interpreters taking the EIPA Performance Test choose the format for the test that is most advantageous to them. Formats simulate working with either elementary or secondary students and working in the language or signing system with which they are most familiar: American Sign Language (ASL) or Pidgin Signed English (PSE).
- The EIPA Performance Test may be taken as many times as needed.
- Must comply with RID's Certification Maintenance Program (CMP) requirements:
 - Earn eight Continuing Education Units (CEUs) in a four-year cycle (80 contact hours)

Standards and Rationale: Provisional License

- Must have graduated from an Interpreter Training Program (ITP) at an accredited educational institution or substantially equivalent program as approved by the Board – OR –
- Must have been employed as an interpreter when the Act became effective (July 2007)
- May be held for a maximum of five years.
- Qualifies the interpreter to work in appropriate educational and community settings.
- Must earn two Continuing Education Units (CEUs) per year (20 contact hours)
- Interpreters applying for a Provisional license more than three years post ITP graduation must submit documentation of involvement in the interpreting or Deaf community since graduation.

Critical Background

- Interpreters in elementary settings are often the only language model for Deaf children:
 - Approximately 90% of Deaf children are born to hearing parents.
 - Only a small portion of those parents become fluent in signed language.
- An educational interpreter who doesn't meet the minimum standards is unable to provide effective communication access, thus becoming a barrier to student success.
- Deaf students in elementary settings don't possess self-advocacy skills needed to problem solve if they don't understand their interpreter.
- Deaf and Hard of Hearing consumers rely on community interpreters to effectively communicate information related to medical, mental health, legal, and employment situations. Poor interpretations can lead to serious adverse consequences for consumers.
- At least 40 states currently have minimum standards established for interpreters. Standards are implemented through licensure, certification, or registration.
- The New Mexico Public Education Department (PED) had previously established a licensure requirement for K-12 interpreters of a score of 3.5 or better on the EIPA Performance Test. That standard was superseded by the passage of the Signed Language Interpreting Practices Act.

Complaints

Complaints may be filed with RID or BEI against interpreters who fail to provide quality services or maintain proper ethical standards, but each entity only has jurisdiction over interpreters who hold their respective certifications. If an interpreter is an Associate Member of RID but not certified, RID's authority to impose a penalty is minimal – RID's most significant penalty is to remove an interpreter's certification – which is obviously impossible if that interpreter isn't certified. Therefore, the Signed Language Interpreting Practices Act establishes a process for filing complaints against interpreters who are not certified and imposes criminal penalties on interpreters who are convicted of practicing without a license.

Individuals who wish to file a complaint against an individual for interpreting without a license or for a violation of the Code of Professional Conduct may do so in the Boards and Commissions section here: www.rld.nm.gov/help-center/file-a-complaint/. Anyone may file a complaint, which will then be investigated and the individual against whom the complaint is filed will have the opportunity to respond. Complaints go before the Board at their regular meetings, but all names are removed before the complaint is presented to the Board to assure neutrality. The Board has several options, ranging from dismissing the complaint, to imposing a fine, to referring the complaint to the Attorney General for prosecution.

Statutory Authority and Penalties

The Signed Language Interpreting Practices Act is §61-34-1 NMSA 1978 and can be accessed via the SLIPB website. Penalty and sentencing authority citations are as follows.
61-34-15. Penalties.

A person who violates a provision of the Signed Language Interpreting Practices Act is guilty of a misdemeanor and upon conviction shall be sentenced pursuant to Section 31-19-1 NMSA 1978.

31-19-1. Sentencing authority[;] misdemeanors; imprisonment and fines; probation.

A. Where the defendant has been convicted of a crime constituting a misdemeanor, the judge shall sentence the person to be imprisoned in the county jail for a definite term less than one year or to the payment of a fine of not more than one thousand dollars (\$1,000) or to both such imprisonment and fine in the discretion of the judge.

Exemptions

The following are statutory exemptions from the licensure requirement, but nonresident interpreters and interns are required to register by contacting the SLIPB administrator at signlanguage.board@rld.nm.gov to request the applicable form:

- nonresident interpreters working in New Mexico less than thirty calendar days per year;
- interpreting in religious or spiritual settings;
- interpreting in informal settings for friends, families or guests;
- interpreting in emergency situations where the deaf, hard-of-hearing or deaf-blind person or that person's legal representative decides that the delay necessary to obtain a licensed interpreter is likely to cause injury or loss to the consumer;
- the activities of a supervised interpreter intern or student who is enrolled in an interpreter education program; or
- multilingual interpreting in order to accommodate the personal choice of the consumer.

Application Process

The Fact Sheet *Applying for a New Mexico Interpreting License* available here explains the process in detail: www.cdhh.nm.gov/resources/fact-sheets/.